THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No. 15609; 15648; 15375; 15549; 15556 and 15557 of 2006

14-08-2006

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W.P.NO. 15609 of 2006

Between:-

V. Narayana Raju

Petitioner

And

Station House Officer, II-Town Law & Order Police Station, Vijayawada and six others.

Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No. 15609; 15648; 15375; 15549; 15556 and 15557 of 2006

COMMON ORDER:

These six writ petitions can be disposed of by common order having regard to the background of the cases, which is almost similar.

These writ petitions are filed seeking a writ of Mandamus declaring the action of the Station House Officer, II-Town Law & Order Police Station, Vijayawada, the first respondent herein – in not protecting immoveable property of the petitioners in R.S.No. 144/6, Ward No.5/2 (hereinafter referred to as 'subject property') with different door numbers as illegal and arbitrary and for a consequential direction to the first respondent to take steps against the respondent Nos. 2 to 7, who are allegedly interfering with the peaceful possession of the petitioners.

As an illustrative case, the brief fact of the matter in W.P.No. 15609 of 2006 may be noticed. The petitioner purchased the subject property from one O. Satya Bhanu Abhaykumar under registered sale deed. The petitioner was allegedly in possession of the property. When there was interference from the contesting respondents, the petitioner filed a suit for permanent injunction being O.S.No. 691 of 2005 on the file of the Court of II-Additional Senior Civil Judge, Vijayawada ('Civil Court' for brevity). In the interlocutory application being I.A.No. 791 of 2005, the Civil Court granted ad-interim temporary injunction on 10-08-2005 restraining respondents from interfering with the peaceful possession and enjoyment of the property by the petitioner. Subsequently, the petitioner filed I.A.No. 181 of 2006 alleging that the contesting respondents are interfering with the property of the petitioner in respect of the order of the Civil Court and

therefore the petitioner prayed for an order to the police to protect the property from interference. The said interlocutory application being I.A.No. 181 of 2006 was ordered by the Civil Court on 01-03-2006.Thereafter the petitioner approached the police. The order of the Civil Court was not implemented on the ground that this court by an order made in W.A.M.P.No.2503 of 2005 in W.A.No. 1373 of 2005 dated 25-07-2005 restrained the respondents therein viz., The Commissioner of Police, Vijayawada; Station House Officer, II-Town Police Station, Vijayawada; Mandal Revenue Officer (Urban), Vijayawada and the Municipal Corporation of Vijayawada, from interfering with the peaceful possession of Deena Dayalnagar Co-operative House Building Society Limited, Vijayawada in respect of the land ad-measuring Ac.01-61 cents in survey No.144/6A, Vidyadharapuram, Vijayawada. The petitioner was however not given any communication by the first respondent. Hence the present writ petition.

Though the matter was adjourned on 28-07-2006 to enable the learned Government Pleader to get instructions, he did not get instructions.

Be that as it is. The attention of this court has been invited by the learned counsel for the petitioner to the decision of a learned Division Bench of this Court in ***Satyanarayana v. S.H.O. P.S. Santhoshnagar*** [1] wherein this court held that when the civil court directs the police to implement the order of an injunction, they are bound to give assistance to the person who obtained an order of injunction from the civil court. Therefore, the first respondent is directed to keep in mind the decision of the Division Bench of this Court in ***Satyanarayana's*** case (supra) and take necessary action to protect the possession of the petitioners. While doing so, it is always open to the first respondent to bear in mind the order of this court or the other court. It is also open to the petitioner to approach the Court of learned II-Additional Senior Civil Judge, Vijayawada for necessary clarification of the order.

The writ petitions are accordingly disposed of with the above observations and directions. No costs.

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V.V.S. RAO, J

Dated:14-08-2006
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[1] AIR 1982 AP 394 (D.B.)